IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMARY SUIT NO.3973 OF 2003

Preeti Narendra Kacha Plaintiff

versus

Pravinchandra M. Kanani Defendant

Sualeh Nagvadaria for plaintiff.

None for defendant.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 4th July 2005

PC :

1. Heard Mr.Nagvadaria for the plaintiff. He tenders affidavit proving service of the writ of summons on the defendant. The said affidavit points out that the packet containing writ of summons was duly dispatched by the Sheriff of Mumbai and postal authorities have informed that it was not claimed by the defendant. Thereupon, intimation was sent by the postal authorities as evidenced by the endorsement on the packet. Thus, the summons has duly been served.

2. Despite receipt of the writ of summons, none

has appeared. There is no defence to the claim in the suit which is filed not only on the basis of writing but also on admission of liability evidenced by payment of interest on the amount of Rs.50,000/-. It is paid by cheque as set out in para 4 of the plaint. The advocate’s notice has been duly served. There is an admission of the liability by the defendant. The suit is, therefore, maintainable as a summary suit. The claim is not barred by limitation. In the light of the above, following order.

3. ORDER :- A) Original documents along with list taken on record and marked "X-1".

B) Decree as prayed.

C) Refund of court fee and computation of advocates’ costs as per rules.

(S.C.DHARMADHIKARI, J.)